

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVE GARRISON, et al.,<sup>1</sup>  
Plaintiffs,  
v.  
DONALD TRUMP, et al.,  
Defendants.

Case No. [18-cv-03330-JD](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 10

Plaintiff, a state prisoner, has filed a pro se civil rights complaint under 42 U.S.C. § 1983.

**DISCUSSION**

**STANDARD OF REVIEW**

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review, the Court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. *Id.* at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief.” Although a complaint “does not need detailed factual allegations, . . . a plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a

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<sup>1</sup> While there are other plaintiffs named in the complaint they did not sign the complaint and there is no indication they wish to proceed with this action.

1 cause of action will not do. . . . Factual allegations must be enough to raise a right to relief above  
2 the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citations  
3 omitted). A complaint must proffer “enough facts to state a claim to relief that is plausible on its  
4 face.” *Id.* at 570. The United States Supreme Court has explained the “plausible on its face”  
5 standard of *Twombly*: “While legal conclusions can provide the framework of a complaint, they  
6 must be supported by factual allegations. When there are well-pleaded factual allegations, a court  
7 should assume their veracity and then determine whether they plausibly give rise to an entitlement  
8 to relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

9 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege that: (1) a right secured by  
10 the Constitution or laws of the United States was violated, and (2) the alleged deprivation was  
11 committed by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

### 12 **LEGAL CLAIMS**

13 Plaintiff contends that the President of the United States in conspiring with the National  
14 Football League to violate the rights of football players by preventing them from voting. For  
15 relief plaintiff seeks the President and the commissioner of the National Football League, Roger  
16 Goodell, to be placed in prison. Plaintiff’s allegations are frivolous, malicious, and fail to state a  
17 claim. Because no amount of amendment would cure the deficiencies of the complaint, this action  
18 is dismissed without leave to amend.

### 19 **CONCLUSION**

20 1. The complaint is **DISMISSED** with prejudice as frivolous, malicious, and for  
21 failure to state a claim. Plaintiff’s motion (Docket No. 10) is **DENIED**.

22 2. The Clerk shall close this case.

23 **IT IS SO ORDERED.**

24 Dated: September 18, 2018

25  
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28 JAMES DONATO  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 18, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Steve Garrison ID: CWX252  
885 N. San Pedro St.  
San Jose, CA 95110

Dated: September 18, 2018

Susan Y. Soong  
Clerk, United States District Court

By:   
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO